

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re

Patent Application of

Matthew H. Lawler et al.

Application No. 10/574,385

Confirmation No. 2313

Filed: March 31, 2006

"MEASURING DEVICE, SUCH AS A SCALE OR
MEDICAL SCALE"

I, Dorothy A. Hauser, hereby certify that
this correspondence is being electronically
filed with the U.S. Patent and Trademark
Office on the date of my signature.

Dorothy A. Hauser
Signature

November 30, 2007
Date of Signature

REQUEST FOR RECONSIDERATION
OF PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request for Reconsideration responds to the Decision, dated October 4, 2007, dismissing Applicants' Petition under 37 C.F.R. § 1.47(a) (the "Decision") and is filed within the two-month period for response. No additional fee is required. However, charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of any required fees.

Applicants respectfully request reconsideration of the Decision and submit herewith the following:

1. The Second Declaration of Sharon A. Johnson; and
2. The Declaration of Edward R. Lawson Jr.

REMARKS

In the Decision, the Office contends that Applicants did not meet the standard for a "diligent effort" to find or reach a non-signing inventor, as required under 37 C.F.R. § 1.47(a), and has dismissed the Petition.

As an initial matter, Applicants respectfully disagree and submit that, based on the facts presented with the Petition, a "diligent effort" was made to find or reach the non-signing inventor, Theron Kotze. However, in order to address the Office's concerns, Applicants have submitted herewith the Second Declaration of Sharon A. Johnson and the Declaration of Edward R. Lawson Jr., setting forth additional facts to further support that a "diligent effort" was in fact made to contact Mr. Kotze.

Specifically, as set forth in the Second Declaration of Sharon A. Johnson, internet searches, including searches of internet telephone directories, were conducted to uncover additional contact information for Mr. Kotze. See paragraph 9. However, these internet searches did not uncover any contact information which enabled Mr. Kotze to be contacted. See paragraphs 9-10.

In addition, as set forth in the Declaration of Edward R. Lawson Jr., available contact information was provided by Pelstar, Mr. Kotze's former employer. See paragraph 7. The contact information included e-mail addresses which were used in further attempts to contact Mr. Kotze. See paragraph 10; and Second Declaration of Sharon A. Johnson, paragraphs 7-8. See also Declaration of Sharon A. Johnson, executed July 24, 2007, paragraph 7.

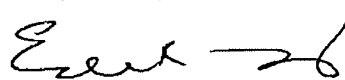
To summarize, Applicants attempted to contact Mr. Kotze by mail at his last known address. Pelstar, Mr. Kotze's former employer, provided available contact information, and this information was used in further attempts to contact Mr. Kotze by e-mail. Finally, internet and telephone directory searches were conducted to find contact information for Mr. Kotze, but the searches did not yield any additional contact information for Mr. Kotze. Even with these efforts, Applicants were not able to contact or locate Mr. Kotze.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that a "diligent effort" was made to find or reach the non-signing inventor, Mr. Kotze. Applicants respectfully request reconsideration of the Decision dismissing the Petition under 37 C.F.R. § 1.47(a) and that the Petition be granted.

The undersigned is available for telephone consultation at the below-identified phone number during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Lawson Jr.", followed by a vertical line.

Edward R. Lawson Jr.
Reg. No. 41,931

File No. 074408-9005-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re

Patent Application of

Matthew H. Lawler et al.

Application No. 10/574,385

Confirmation No. 2313

Filed: March 31, 2006

"MEASURING DEVICE, SUCH AS A SCALE OR
MEDICAL SCALE"

DECLARATION OF EDWARD R. LAWSON JR.

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Edward R. Lawson Jr., hereby declare that:

1. I am a partner of Michael Best & Friedrich LLP, with its principal place of business located at 100 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202-4108, United States of America.
2. Pelstar, LLC is a client of Michael Best & Friedrich LLP and is an Illinois Limited Liability Corporation with its principal place of business located at 7400 West 100th Place, Bridgeview, IL 60455 (hereinafter "Pelstar").
3. Pelstar is the owner of rights in the above-identified patent application by virtue of the Assignment executed by joint inventor Matthew H. Lawler on June 4, 2007 and by joint inventor Paul D. Nizzere on July 11, 2007, a copy of each of which is attached to the Second Declaration of Sharon A. Johnson as Exhibit A.

4. The invention claimed in the above-identified application relates to the business of Pelstar.

5. On March 14, 2006, I sent to Mr. Dan Maeir, President & CEO of Pelstar, an e-mail including a Declaration and Power of Attorney form and an Assignment form (the "formal papers") to be executed by the inventors, including Mr. Theron Kotze. The formal papers included Mr. Kotze's address of 1510 West Byron, Apt. #1, Chicago, IL 60613. This address is Mr. Kotze's last known address. A copy of the e-mail and the formal papers are attached hereto as Exhibit A.

6. On March 31, 2006, I received an e-mail from Mr. Maeir indicating that Mr. Kotze was no longer with Pelstar. A copy of the e-mail is attached hereto as Exhibit B.

7. On March 31, 2006, I received another e-mail from Mr. Maeir including contact information for Mr. Kotze that Pelstar had on file. This information included the e-mail addresses tkotze@gmx.com and sandloper@gmx.com. A copy of this e-mail is attached hereto as Exhibit C.

8. The present application was filed, without executed formal papers, on Friday, March 31, 2006, before the filing deadline of Monday, April 3, 2006.

9. On February 26, 2007, a Notification of Missing Requirements for the present application was mailed to Michael Best & Friedrich LLP, with the deadline for response being April 26, 2007.

10. As indicated in the Second Declaration of Sharon A. Johnson, executed on November 28, 2007 (the "Second Declaration of Sharon A. Johnson"), Ms. Johnson attempted several times to contact Mr. Kotze by mail, at his last known mailing address, and by e-mail at the e-mail addresses provided to us by Pelstar, Mr. Kotze's former employer. See Second Declaration of Sharon A. Johnson, paragraphs 5-8 and 10.

11. Ms. Johnson also conducted internet searches to uncover any additional contact information for Mr. Kotze, and these searches did not uncover any additional contact information

which would enable us to contact Mr. Kotze. See Second Declaration of Sharon A. Johnson, paragraph 9.

12. As of July 24, 2007, the filing date of the Response to the Notification of Missing Requirements and the Petition under 37 C.F.R. §1.47 (before the deadline of July 26, 2007 (with a 3-month extension of time)), Mr. Kotze could not be reached, after diligent efforts, to execute the forms for this application.

13. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing therefrom.

Dated this 29th day of November, 2007



Edward R. Lawson Jr.

EXHIBIT A

From: Lawson, Edward R.
Sent: Tuesday, March 14, 2006 12:42 PM
To: Dan Maeir (dmaeir@pelstarllc.com)
Cc: Margolies, Jonathan H.; Johnson, Sharon A.
Subject: ACTION: DAN MAIER -- National Filing Instructions for International (PCT) Application Entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" (Pelstar Project No. 31000; Our File No. 074408-9005 WO)

Mr. Dan Maeir
Pelstar, LLC
7400 West 100th Place
Bridgeview, IL 60455

Re: International (PCT) Application Entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE"

Application No. PCT/US2004/032609

Applicant: PELSTAR, LLC

Inventors: Matthew H. Lawler, Paul D. Nizzere and Theron Kotze

Pelstar Project No. 31000

Our File No. 074408-9005 WO

Dear Dan:

As you instructed, we are preparing to file the U.S. National Phase patent application.

For the U.S. application, we will need to file a Declaration form and an Assignment form executed by each inventor. If these documents are filed with the U.S. application, we can avoid the payment of late fees (again, the deadline for filing the U.S. application is **April 3, 2006**). If we do not have the executed documents in time to file them with the application, we can file revised documents which will be due 1-2 months after the application filing date.

We have attached a copy of the forms for execution by the inventors who still work with Pelstar. Could you have Paul and Theron execute the attached forms and return the complete, executed forms to us for filing with the U.S. application.

As we have done with the related design patent applications, we will send the forms to Matt Lawler for execution by him. Could you confirm his address and, if you have one, provide to us an e-mail address for him. The address we have for Matt is the following:

Matt Lawler
13738 West Ironwood Circle
Homerglen, IL 60441

If you have any questions or comments, please call.

Thanks,

Ed

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE (Attorney Docket No. 074408-9005-00), the specification of which was filed with our authority, on October 1, 2004, as International Application No. PCT/US2004/032609.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

As a named inventor, I hereby appoint the following registered practitioners associated with the customer number identified below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith; and request that the Office direct all communication in or pertaining to this application to:

Customer Number

23409

I hereby claim priority benefit under Title 35, United States Code, §119 of the provisional U.S. patent application listed below:

Application Serial No.
60/508,565

Filing Date
3 October 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Matthew H. Lawler

Inventor's signature: _____ Date: _____

Residence: Homergeln, Illinois
Citizenship: United States of America
Post Office Address: 13738 West Ironwood Circle
Homergeln, IL 60441

Full name of inventor: Paul D. Nizzere

Inventor's signature: _____ Date: _____

Residence: Darien, Illinois
Citizenship: United States of America
Post Office Address: 7713 Stevens Street
Darien, IL 60561

Full name of inventor: Theron Kotze

Inventor's signature: _____ Date: _____

Residence: Chicago, Illinois
Citizenship: United States of America
Post Office Address: 1510 West Byron, Apt. #1
Chicago, IL 60613

ASSIGNMENT

Pursuant to our obligation to PELSTAR, LLC (hereinafter referred to as "Assignee"), an Illinois Limited Liability Corporation having its principal place of business at:

7400 West 100th Place
Bridgeview, IL 60455

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we:

Matthew H. Lawler
13738 West Ironwood Circle
Homergeln, IL 60441

Paul D. Nizzere
7713 Stevens Street
Darien, IL 60561

Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

confirm our obligation to and hereby sell, assign and convey, unto Assignee, its successors and assigns, our entire right, title and interest -

(1) in and to an invention entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" the specification of which was filed with our authority on 1 October 2004 as International Patent Application No. PCT/US2004/032609 (Atty. File No. 074408-9005 WO) ("PCT Application");

(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date:

Matthew H. Lawler

Date:

Paul D. Nizzere

Date:

Theron Kotze

EXHIBIT B

From: Maeir, Dan [mailto:dmaeir@pelstarllc.com]
Sent: Friday, March 31, 2006 12:18 PM
To: Lawson, Edward R.
Subject: RE: ACTION: DAN MAIER -- National Filing Instructions for International (PCT)
Application Entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" (Pelstar
Project No. 31000; Our File No. 074408-9005 WO)

Ed,
Attached is Paul's signature. It will probably take me a little time to find Theron and Matt, as now both are no longer with us.

Dan

Dan J Maeir
President & CEO
Pelstar LLC
7400 W 100th Place
Bridgeview, IL 60455
Phone: 708-233-5468
Fax: 708-233-5443
E-mail: dmaeir@pelstarllc.com
Visit our website at: www.healthometermedical.com

From: Lawson, Edward R. [mailto:ERLawson@michaelbest.com]
Sent: Tuesday, March 28, 2006 12:08 PM
To: Maeir, Dan
Cc: Johnson, Sharon A.
Subject: FW: ACTION: DAN MAIER -- National Filing Instructions for International (PCT)
Application Entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" (Pelstar
Project No. 31000; Our File No. 074408-9005 WO)

Dan,

Have you been able to have the attached documents executed by Paul and Theron for the U.S. application?

Also, have you been able to confirm Matt Lawler's address so that we can send the documents to him for execution?

As a reminder, if these executed documents are filed with the U.S. application, we can avoid the payment of late fees (again, the deadline for filing the U.S. application is **April 3, 2006**). However, if necessary, we can file revised documents which will be due 1-2 months after the application filing date.

Let us know.

Thanks,

Ed

From: Lawson, Edward R.
Sent: Tuesday, March 14, 2006 11:42 AM
To: Dan Maeir (dmaeir@pelstarllc.com)
Cc: Margolies, Jonathan H.; Johnson, Sharon A.
Subject: ACTION: DAN MAIER -- National Filing Instructions for International (PCT) Application Entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" (Pelstar Project No. 31000; Our File No. 074408-9005 WO)

Mr. Dan Maeir
Pelstar, LLC
7400 West 100th Place
Bridgeview, IL 60455

Re: International (PCT) Application Entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE"

Application No. PCT/US2004/032609
Applicant: PELSTAR, LLC
Inventors: Matthew H. Lawler, Paul D. Nizzere and Theron Kotze
Pelstar Project No. 31000
Our File No. 074408-9005 WO

Dear Dan:

As you instructed, we are preparing to file the U.S. National Phase patent application.

For the U.S. application, we will need to file a Declaration form and an Assignment form executed by each inventor. If these documents are filed with the U.S. application, we can avoid the payment of late fees (again, the deadline for filing the U.S. application is **April 3, 2006**). If we do not have the executed documents in time to file them with the application, we can file revised documents which will be due 1-2 months after the application filing date.

We have attached a copy of the forms for execution by the inventors who still work with Pelstar. Could you have Paul and Theron execute the attached forms and return the complete, executed forms to us for filing with the U.S. application.

As we have done with the related design patent applications, we will send the forms to Matt Lawler for execution by him. Could you confirm his address and, if you have one, provide to us an e-mail address for him. The address we have for Matt is the following:

Matt Lawler
13738 West Ironwood Circle
Homerglen, IL 60441

If you have any questions or comments, please call.

Thanks,

Ed

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Pelstar L.L.C. Disclaimer

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Thank you.

EXHIBIT C

From: Maeir, Dan [mailto:dmaeir@pelstarllc.com]
Sent: Friday, March 31, 2006 5:08 PM
To: Lawson, Edward R.
Subject: FW: Theron Info

Ed,
Theron's info is listed below
You can contact Matt at the address you have

Dan

Dan J Maeir
President & CEO
Pelstar LLC
7400 W 100th Place
Bridgeview, IL 60455
Phone: 708-233-5468
Fax: 708-233-5443
E-mail: dmaeir@pelstarllc.com
Visit our website at: www.healthometermedical.com

From: Locklund, Thomas
Sent: Friday, March 31, 2006 3:38 PM
To: Maeir, Dan
Subject: Theron Info

Dan,

This is the info for Theron that I have stored.

773-251-8015
sandloper@gmx.com
tkotze@gmx.com

Tom

Pelstar L.L.C. Disclaimer

Note: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

Thank you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re

Patent Application of

Matthew H. Lawler et al.

Application No. 10/574,385

Confirmation No. 2313

Filed: March 31, 2006

“MEASURING DEVICE, SUCH AS A SCALE OR
MEDICAL SCALE”

SECOND DECLARATION OF SHARON A. JOHNSON

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sharon A. Johnson, hereby declare that:

1. Between February, 2002 and October 19, 2007, I was an Intellectual Property Administrator employed by Michael Best & Friedrich LLP, with its principal place of business located at 100 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202-4108, United States of America.
2. Pelstar, LLC, is a client of Michael Best & Friedrich LLP and is an Illinois Limited Liability Corporation with its principal place of business located at 7400 West 100th Place, Bridgeview, IL 60455 (hereinafter “Pelstar”).
3. Pelstar is the owner of rights in the above-identified patent application by virtue of the Assignment executed by joint inventor Matthew H. Lawler on June 4, 2007 and by joint inventor Paul D. Nizzere on July 11, 2007, a copy of each of which is attached hereto as Exhibit A.

4. The invention claimed in the above-identified application relates to the business of Pelstar.

5. On May 30, 2007, I sent a Declaration and Power of Attorney for Patent Application form and an Assignment form, for filing with the U.S. Patent and Trademark Office, under a cover letter addressed to Mr. Theron Kotze at his last known address, 1510 West Byron, Apt. #1, Chicago, IL 60613. Copies of the documents are attached hereto as Exhibit B. I requested that he return the executed forms to me no later than June 15, 2007. The letter and forms were sent to Mr. Kotze via Certified Mail, Return Receipt Requested. A copy of the receipt is attached hereto as Exhibit C.

6. On June 5, 2007, I received, at my desk at Michael Best & Friedrich LLP, the unopened package back from Mr. Kotze stamped "Attempted, Not Known" by the Post Office. A copy of the envelope is attached hereto as Exhibit D.

7. On May 29, 2007, I sent an e-mail to Mr. Kotze with the Declaration and Assignment forms to his new e-mail at tkotze@gmx.com; this e-mail was returned to me as undelivered. On June 11, 2007, I sent an e-mail to sandloper@gmx.com (cc to tkotze@gmx.com) on June 11, 2007, and this e-mail was also returned to me as undelivered. Copies of these e-mails and of the associated "undelivered" responses are attached hereto in Exhibit E.

8. The e-mail addresses tkotze@gmx.com and sandloper@gmx.com were provided to Mr. Edward R. Lawson Jr., an attorney at Michael Best & Friedrich, LLP, by Mr. Dan J. Maeir, President & CEO of Pelstar LLC, as the contact information that the company had for Mr. Kotze. A copy of this e-mail with these addresses is attached hereto in Exhibit F.

9. In order to find any additional contact information for Mr. Kotze, I conducted internet searches at "telephone switchboard", "switchboard yellow pages", "gmx" and "gmx international" searching for Mr. Kotze's address and telephone number in the states of Illinois (where Mr. Kotze's last known address is located) and California and nationwide. My searches uncovered the company "GMX International" based in California and having the domain name

www.gmxinternational.com and e-mail addresses "@gmxinternational.com". I did not find a specific new address or phone number for Mr. Kotze. The only information available to me was the last known mailing address and e-mail addresses that I used.

10. On June 11, 2007, I made a third attempt to contact Mr. Kotze by e-mail at tkotze@gmxinternational.com, and this e-mail was returned to me as undelivered. As explained above, this e-mail address was uncovered by me during internet searches for any contact information for Mr. Kotze. A copy of this e-mail and of the "undelivered" response are attached in Exhibit G.

11. As for the deadline of July 26, 2007 (with a 3-month extension of time) for filing the Response to Missing Requirements, Mr. Kotze could not be reached, after diligent efforts, to execute the forms for this application.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing therefrom.

Dated this 28th day of November, 2007

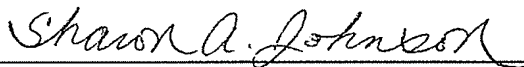

Sharon A. Johnsonson

EXHIBIT A

ASSIGNMENT

Pursuant to our obligation to PELSTAR, LLC (hereinafter referred to as "Assignee"), an Illinois Limited Liability Corporation having its principal place of business at:

7400 West 100th Place
Bridgeview, IL 60455

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we:

Matthew H. Lawler
13738 West Ironwood Circle
Homergeln, IL 60441

Paul D. Nizzere
7713 Stevens Street
Darien, IL 60561

Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

confirm our obligation to and hereby sell, assign and convey, unto Assignee, its successors and assigns, our entire right, title and interest -


(1) in and to an invention entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" the specification of which was filed with our authority on 1 October 2004 as International Patent Application No. PCT/US2004/032609 (Atty. File No. 074408-9005 WO) ("PCT Application");

(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

6-4-07
Date:


Matthew H. Lawler

Date:

Paul D. Nizzere

Date:

Theron Kotze

ASSIGNMENT

Pursuant to our obligation to PELSTAR, LLC (hereinafter referred to as "Assignee"), an Illinois Limited Liability Corporation having its principal place of business at:

7400 West 100th Place
Bridgeview, IL 60455

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we:

Matthew H. Lawler
13738 West Ironwood Circle
Homergeln, IL 60441

Paul D. Nizzere
7713 Stevens Street
Darien, IL 60561

Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

confirm our obligation to and hereby sell, assign and convey, unto Assignee, its successors and assigns, our entire right, title and interest -

(1) in and to an invention entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" the specification of which was filed with our authority on 1 October 2004 as International Patent Application No. PCT/US2004/032609 (Atty. File No. 074408-9005 WO) ("PCT Application");

(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date:

July 11, 2007

Date:

Matthew H. Lawler

Paul D. Nizzere

Paul D. Nizzere

Date:

Theron Kotze



Michael Best & Friedrich LLP
Attorneys at Law
100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108
Phone 414.271.6560
Fax 414.277.0656

EXHIBIT B

Sharon A. Johnson
Direct 414.270.2731
Email sajohnson@michaelbest.com

May 30, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

Re: U.S. Patent Application Entitled
MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Applicant: PELSTAR, LLC
Inventors: Matthew H. Lawler, Paul D. Nizzere and Theron Kotze
Pelstar Project No. 3100
Our File No. 074408-9005-01

Dear Mr. Kotze:

I am working with Attorney Ed Lawson on this patent application.

The U.S. Patent Office requires an executed Declaration document (form enclosed), signed by each inventor for the above-identified patent application. Also enclosed is an Assignment document for you to sign and date.

Once you have signed and dated the forms, please return them to me in the enclosed self-addressed, stamped envelope. I will then file them with the U.S. Patent Office.

Please return the forms by June 15, 2007.

Please let me know if you have any questions.

Very truly yours,

MICHAEL BEST & FRIEDRICH LLP

A handwritten signature in cursive script that reads "Sharon A. Johnson".

Sharon A. Johnson
Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.

Enclosures

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE (Attorney Docket No. 074408-9005-00), the specification of which was filed with our authority, on October 1, 2004, as International Application No. PCT/US2004/032609.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

As a named inventor, I hereby appoint the following registered practitioners associated with the customer number identified below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith; and request that the Office direct all communication in or pertaining to this application to:

Customer Number

23409

I hereby claim priority benefit under Title 35, United States Code, §119 of the provisional U.S. patent application listed below:

Application Serial No.
60/508,565

Filing Date
3 October 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Matthew H. Lawler

Inventor's signature: _____ Date: _____

Residence: Homergeln, Illinois
Citizenship: United States of America
Post Office Address: 13738 West Ironwood Circle
Homergeln, IL 60441

Full name of inventor: Paul D. Nizzere

Inventor's signature: _____ Date: _____

Residence: Darien, Illinois
Citizenship: United States of America
Post Office Address: 7713 Stevens Street
Darien, IL 60561

Full name of inventor: Theron Kotze

Inventor's signature: _____ Date: _____

Residence: Chicago, Illinois
Citizenship: United States of America
Post Office Address: 1510 West Byron, Apt. #1
Chicago, IL 60613

A S S I G N M E N T

Pursuant to our obligation to PELSTAR, LLC (hereinafter referred to as "Assignee"), an Illinois Limited Liability Corporation having its principal place of business at:

7400 West 100th Place
Bridgeview, IL 60455

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we:

Matthew H. Lawler
13738 West Ironwood Circle
Homergeln, IL 60441

Paul D. Nizzere
7713 Stevens Street
Darien, IL 60561

Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

confirm our obligation to and hereby sell, assign and convey, unto Assignee, its successors and assigns, our entire right, title and interest -

(1) in and to an invention entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" the specification of which was filed with our authority on 1 October 2004 as International Patent Application No. PCT/US2004/032609 (Atty. File No. 074408-9005 WO) ("PCT Application");

(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date:

Matthew H. Lawler

Date:

Paul D. Nizzere

Date:

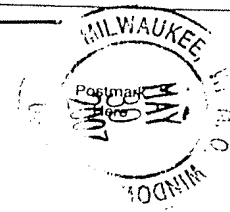
Theron Kotze

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

EXHIBIT C

7001 2510 0001 1097 6947
 74408-5005-01

Postage	\$.97
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	2.15
Total Postage & Fees	\$ 5.77



Sent To
 Street, Apt. No.,
 or PO Box No. Mr. Theron Kotze
1510 West Byron, Apt. #1
 City, State, ZIP+4 Chicago IL 60613

PS Form 3800, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Mr. Theron Kotze
 1510 West Byron, Apt. #1
 Chicago, IL 60613

2. Article Number

(Transfer from service label)

7001 2510 0001 1097 6947

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

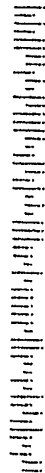
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540

CERTIFIED MAIL

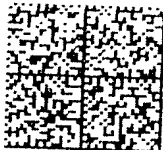


7001 2510 0001 1097 6947
74408-1005-01



\$ 05.77⁰

MAILED FROM ZIP CODE 60613



MICHAEL BEST

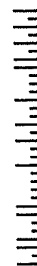
§ FRIEDRICH LLP

100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108



**ATTEMPTED
NOT KNOWN**

Mr. Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613



FIRST CLASS

*Received back
Undelivered
on June 5, 2007
SA Johnson*

EXHIBIT D

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

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1510 West Byron, Apt. #1
Chicago, IL 60613

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
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3. Service Type

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4. Restricted Delivery? (Extra Fee)

☐ Yes

674408-4888-81

7001 2510 0001 1097 6947

102595-02-M-1540

7001 2510 0001 1097 6947

EXHIBIT E

Johnson, Sharon A (12731)

From: Johnson, Sharon A (12731)
Sent: Tuesday, May 29, 2007 4:27 PM
To: 'tkotze@gmx.com'
Subject: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Attachments: DECLARATION (U.S. National Phase) (A1514953).DOC; ASSIGNMENT (U.S. National Phase) (A1514956).DOC

RE: U.S. National Phase Patent Application Entitled:
"MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE"
Serial No. 10/574,385
Filed: March 31, 2006
Our File No. 074408-9005-01

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Please let me know if you have any questions.

Kindly,
Sharon Johnson
Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.
Michael Best & Friedrich LLP

MICHAEL BEST

& FRIEDRICH LLP

Sharon A. Johnson
Intellectual Property
Administrator

Direct: (414) 270-2731
sajohnson@michaelbest.com

100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202-4108
Phone: (414) 271-6560 Fax: (414) 277-0656

michaelbest.com

6/26/2007

Johnson, Sharon A (12731)

From: Mail Delivery System [MAILER-DAEMON]
Sent: Tuesday, May 29, 2007 4:27 PM
To: Johnson, Sharon A (12731)
Subject: Undelivered Mail Returned to Sender

Attachments: Delivery report; Undelivered Message Headers



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(477 B)



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Message Headers.txt

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The mail system

<tkotze@gmx.com>: host mx0.gmx.net[213.165.64.100] said: 550 5.1.1
<tkotze@gmx.com>... User is unknown {mx050} (in reply to RCPT TO command)

Johnson, Sharon A (12731)

From: Johnson, Sharon A (12731)
Sent: Monday, June 11, 2007 3:39 PM
To: 'sandloper@gmx.com'
Cc: 'tkotze@gmx.com'
Subject: FW: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Attachments: DECLARATION (U.S. National Phase) (A1514953).DOC; ASSIGNMENT (U.S. National Phase) (A1514956).DOC

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Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.
Michael Best & Friedrich LLP

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Sent: Tuesday, May 29, 2007 4:27 PM
To: 'tkotze@gmx.com'
Subject: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE

RE: U.S. National Phase Patent Application Entitled:
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Serial No. 10/574,385
Filed: March 31, 2006
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Kindly,

Sharon Johnson

Intellectual Property Administrator

For Attorney Edward R. Lawson Jr.

Michael Best & Friedrich LLP

MICHAEL BEST

& FRIEDRICH LLP

Sharon A. Johnson

Intellectual Property
Administrator

Direct: (414) 270-2731
sajohnson@michaelbest.com

100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202-4108
Phone: (414) 271-6560 Fax: (414) 277-0656

michaelbest.com

6/26/2007

Johnson, Sharon A (12731)

From: Mail Delivery System [MAILER-DAEMON]
Sent: Monday, June 11, 2007 3:39 PM
To: Johnson, Sharon A (12731)
Subject: Undelivered Mail Returned to Sender

Attachments: Delivery report; Undelivered Message Headers



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Message Headers.txt

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If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<sandloper@gmx.com>: host mx0.gmx.net[213.165.64.100] said: 550 5.1.1
<sandloper@gmx.com>... User is unknown {mx082} (in reply to RCPT TO
command)

<tkotze@gmx.com>: host mx0.gmx.net[213.165.64.100] said: 550 5.1.1
<tkotze@gmx.com>... User is unknown {mx082} (in reply to RCPT TO command)

From: Maeir, Dan [dmaeir@pelstarllc.com]
Sent: Friday, March 31, 2006 5:08 PM
To: Lawson, Edward R.
Subject: FW: Theron Info
Ed,
Theron's info is listed below
You can contact Matt at the address you have

Dan

Dan J Maeir
President & CEO
Pelstar LLC
7400 W 100th Place
Bridgeview, IL. 60455
Phone: 708-233-5468
Fax: 708-233-5443
E-mail: dmaeir@pelstarllc.com
Visit our website at: www.healthometermedical.com

From: Locklund, Thomas
Sent: Friday, March 31, 2006 3:38 PM
To: Maeir, Dan
Subject: Theron Info

Dan,

This is the info for Theron that I have stored.

773-251-8015
sandloper@gmx.com
tkotze@gmx.com

Tom

Pelstar L.L.C. Disclaimer

Note: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.
Thank you.

EXHIBIT G

Johnson, Sharon A (12731)

From: Johnson, Sharon A (12731)
Sent: Monday, June 11, 2007 4:19 PM
To: 'tkotze@gmxinternational.com'
Subject: FW: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Attachments: DECLARATION (U.S. National Phase) (A1514953).DOC; ASSIGNMENT (U.S. National Phase) (A1514956).DOC

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Kindly,
Sharon Johnson
Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.
Michael Best & Friedrich LLP

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Sent: Tuesday, May 29, 2007 4:27 PM
To: 'tkotze@gmx.com'
Subject: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE

RE: U.S. National Phase Patent Application Entitled:
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Kindly,
Sharon Johnson
Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.
Michael Best & Friedrich LLP



Johnson, Sharon A (12731)

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Sent: Monday, June 11, 2007 4:19 PM
To: Johnson, Sharon A (12731)
Subject: Undelivered Mail Returned to Sender

Attachments: Delivery report; Undelivered Message Headers



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Message Headers.txt.

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For further assistance, please send mail to <postmaster>

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<tkotze@gmxinternational.com>: host mail.gmxinternational.com[65.38.185.164]
said: 550 sorry, no mailbox here by that name. (#5.7.17) (in reply to RCPT
TO command)